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COMMITTEE ON ECONOMIC, SOCIAL
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Pre-sessional working group
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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with consideration of the initial report of Benin concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.48)

I. GENERAL INFORMATION

A. Land and people

1. Although both the report and the core document (HRI/CORE/1/Add.85) contain demographic data, the Committee would like to have more comprehensive data on the total population, with a breakdown by gender and age, and the trends over the past five years.

2. In view of the distribution of the population (72 per cent rural and 28 per cent urban), please provide information on the unequal distribution of wealth between these two population groups, with a breakdown by gender.

B. General legal framework within which human rights are protected

3. According to the report, duly ratified treaties or agreements take precedence over the law. What is the exact position with regard to the International Covenant on Economic, Social and Cultural Rights, ratified on 12 March 1992, i.e. after the Constitution of 11 December 1990? Can economic, social and cultural rights be directly invoked before the courts? Please supply any relevant case-law.

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4. Please indicate the precise role of the Benin Commission on Human Rights, created by Act No. 89-004 of 12 May 1989, in particular its composition and powers. Does it enjoy genuine independence from the Government, in accordance with the Paris principles? What is the relationship between the Benin Commission on Human Rights and the Institute for Human Rights and Daily Democracy registered on 14 April 1993?

C. Information and publicity on the rights recognized in the Covenant and other international instruments

5. Please indicate the measures taken to inform Beninese society, the State authorities, the courts, civil servants, military personnel, the police and the NGOs of the provisions of the Covenant and other international instruments.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 1.2. Rights of peoples to dispose freely of their natural wealth and resources

6. The Constitution of 11 December 1990 proclaims the right of every human being to development. How is this right implemented in practical terms? In particular, do the structural adjustment programme implemented by the Government and the restructuring and liberalization of the agricultural sector take into account the economic, social and cultural rights of the poorest populations?

Article 2.2. Non-discrimination

7. It appears that the State party has not ratified the International Convention on the Elimination of All Forms of Racial Discrimination. Does it intend to do so within a reasonable time? What specific measures are taken to avoid discrimination against certain ethnic groups?

Article 3. Equal rights between men and women

8. The report does not address the issue of equal rights between men and women. Yet the statistics show that women do not have equal access to primary education and that more women than men are illiterate. What measures are being taken to ensure greater equality with respect to family law, civil and criminal law, labour law, education, etc.?

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

9. The data concerning work in the report are not up to date. What has been the trend in unemployment over the last five years, (if possible with a breakdown by region and gender)?

10. Informal work appears to occupy an important place in the economy of the State party. Please supply information on the number of workers engaged in this sector, on the types of work they do and the steps taken by the Government to protect them.

11. The Labour Code prohibits the employment or apprenticeship of children under 14 years of age. Nevertheless, it seems that a large number of children are working, particularly in the agricultural sector. Please supply statistical information on child labour and the steps taken by the Government to put an end to it.

12. The Labour Code enshrines the principle of "equal pay for equal work". Do women have equal access to all jobs, especially in the civil service, the same career prospects as men and genuinely equal pay?

13. What guarantees are provided by the Labour Code against wrongful dismissal of an employee by an employer and what remedies (in particular judicial remedies) are available to the employee in the event of wrongful dismissal?

Article 7. Right to just and favourable conditions of work

14. Since the SMIG (guaranteed minimum wage) is not index-linked to the cost of living, is it sufficient to allow workers and their families a decent standard of living? What is the current trend in the SMIG? Are there still wide discrepancies from one sector to another, and especially in the rural sector? How are agricultural workers paid and according to what standards?

15. Please provide statistical data on the number of accidents at work and cases of occupational diseases, and also on the number of labour inspectors.

16. The Labour Code of 27 January 1998 set up a national Occupational Safety and Health Commission and, for corporations, a Hygiene and Safety Committee. Have these two institutions begun to operate, and if so with what results? Please provide more details on the labour tribunals (number, composition, functions, etc.).

Article 8. Trade union rights

17. The report states that Ordinance 69-14 concerning the exercise of the right to strike is not in conformity with ILO Convention 87 concerning freedom of association and ILO Convention 29 concerning forced labour. The right to conscript labour should be abolished by law. Has such a law been adopted and with what effect?

Article 9. Right to social security

18. The State party has not ratified any of the ILO conventions on social security. Does it intend to do so?

19. Please provide, as far as possible, a detailed description and statistical data concerning the various benefits mentioned in the report.

Article 10. Protection of the family, mothers and children

20. Please supply information on sexual abuse and violence to which women and children are exposed in the family.

21. Please supply information also on trafficking in women and children, especially on the practice of "VIDOMEGON" (placement of children in wealthy families), on how widespread it is and what measures are being considered to put an end to it.

22. Please state whether the State party intends to improve the Civil Registry Service as a means of protecting the enjoyment of human rights by all the country's inhabitants.

23. Please provide information on equal rights of men and women in marriage. Although the Family Code has been debated for some years, it has apparently not yet been approved. What particular difficulties are preventing this law from being adopted?

24. Please provide information concerning measures taken to ensure the enjoyment of children's rights, especially in the case of orphans, street children and abandoned children.

Article 11. Right to an adequate standard of living

25. According to the report, the poverty rate is 33 per cent for the country as a whole, with disparities between town and country and between geographical areas, while the gap between rich and poor is widening. What measures is the State party taking to incorporate human rights and especially economic, social and cultural rights in the poverty reduction strategy document?

26. Please supply information regarding the implementation of the right to food, in urban areas and in rural areas, in accordance with the Committee's General Comment 12.

27. Please provide data on the Government's housing policies, the construction of subsidized housing, the homeless and forced evictions.

28. Please supply information concerning the situation as regards the elderly in general and explain how their right to a decent standard of living is guaranteed.

Article 12. Right to physical and mental health

29. A policy to promote training in primary health care has been introduced, with international assistance. What are the results so far, and what percentage of the population has access to primary health care?

30. The report indicates that the proportion of the national budget devoted to health has been declining steadily for a decade. What is being done to reverse this trend? What steps are being taken to alleviate the shortage of medical staff (doctors, midwives and nurses)?

31. What results have been achieved by the Reproductive Health and Family Planning Programme introduced in 1992 to reduce the occurrence of early pregnancies in young girls?

32. What is the Government's current strategy for control of AIDS/HIV and what is the statistical trend of the disease? Please provide statistics concerning the spread of the disease.

33. Sexual mutilations practised against young women are not forbidden by law. Such practices are still widespread in Benin, in particular in the northern provinces. Is it planned to make female sexual mutilation illegal and to set up an educational programme to combat such practices?

Articles 13 and 14. Right to education

34. Primary education is not entirely free nor available to all; primary school attendance rates, although on the increase, are still low. Does the State party intend, at an early date, to put forward a detailed plan of action for the progressive implementation of the principle of compulsory primary education free of charge for all, as provided for in article 14?

35. Considering that the school attendance rate is much lower for girls than for boys, despite the exemption from school fees granted to girls in rural areas, please provide information on other measures taken to improve school attendance among girls.

36. The education budget has been reduced on account of structural adjustment plans. Does the State party intend to negotiate with the financial institutions to ensure that budgets for social purposes, especially education, are not reduced?

37. Please provide information on the Government's plan of action to reduce illiteracy, especially in rural areas and among women.

38. Please provide information concerning private education establishments in relation to the education system as a whole.

Article 15. Right to take part in cultural life

39. The report states that cultural policy is aimed at achieving an intermixing of all the country's ethnic components. What efforts are being made to promote the culture of individual ethnic groups?

40. Are public libraries and reading centres provided in rural areas?

41. Has the new law on copyright protection been adopted? If so, what are its main provisions?

42. What steps are being taken to protect and develop the country's cultural heritage.